S.B. CIVIL WRIT PETITION NO.2268/1996
(Hans Raj vs. Payment of Wages Authority, Sri Ganganagar & Anr.)

Date of order :: 13.12.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.V.N. Kalla, for the petitioner.
Mr.S.N. Tiwari, Dy. Govt. Advocate.

By way of filing present writ petition, the petitioner is challenging the recovery proceedings initiated against him in pursuance of order dated 24.10.1994 (Annexure-1) passed by Authority under the Payment of Wages Act, Sri Ganganagar.

It is contended by learned counsel for the petitioner that in the proceedings before the Authority an ex-parte order was made on 27.07.1993 and the petitioner filed an application for setting aside the aforesaid ex-parte order dated 27.07.1993. But due to non-availability of the Presiding Officer the said application was not decided. The petitioner has challenged the recovery proceedings on the ground that the application filed by him for setting aside the ex parte order is still pending, but the respondents are pursuing the recovery proceedings.

Vide order dated 12.12.1997 the effect and operation of

the order dated 24.10.1994 (Annexure-1) passed by the Payment of Wages Authority, Sri Ganganagar in PWA Case No.28/1993 was stayed which is still in force.

Nobody appeared on behalf of respondent NO.2 even after service in this petition. Therefore, in the facts and circumstances of the case, the Payment of Wages Authority, Sri Ganganagar is directed to decide the application filed by the petitioner for setting aside the ex-parte order within a period of three months from today and till the decision upon the application filed by the petitioner against the ex-parte order, the stay order dated 12.12.1997 granted by this Court shall remain in force.

With these directions, the writ petition is disposed of.

[GOPAL KRISHAN VYAS],J.

A.K. Chouhan/-